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COOK COUNTY AND CHICAGO

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The city of Chicago lies entirely within Cook County, and with the exception of a slight overflow into Du Page County, all of its suburban growth lies now and will for some time lie in the same county. Cook County is therefore the second in the United States in population, having 2,400,000 against New York County's nearly 2,800,000. The corporate limits of the city of Chicago include a slightly decreasing proportion of the county's population: in 1890 they contained 92.3%, in 1900 92.4%, and in 1910 90.9% of the total; that is to say, the city's suburban growth is slightly greater than its internal increment. The population of the county now outside of the city numbers 220,000. The area of the city is 191½ square miles; and of the county not quite five times as much, or 933 square miles.

It is of some interest to the problem of government and its possible reorganization to note that only 5 of the 102 counties of Illinois have an area as large as that of Cook, while there are two with actually less area than the present city of Chicago. The average and median size of Illinois counties is 540 square miles against Cook's 933. In population there are only two others that pass 100,000; and the next to Cook, with 2,400,000, or with 220,000 outside of Chicago, is St. Clair with 120,000. On the other hand there are 9 counties with a population of under or approximately 10,000 apiece—less than one sixth of a Chicago ward,—and most of these are decreasing in population.

The county was governed under the first state constitution, 1818–1848, like all the other counties of the state, by a board of commissioners elected at large. In 1848 the option of township organization was offered, and Cook County like all the other northern counties immediately adopted it. The city of Chicago (which had been chartered in 1837) was divided into three towns, each of which had its town meeting and sent its supervisor to sit on the county board with the supervisors of the country towns. The phenomenal growth of Chicago from 1850–1870 soon resulted in gross under-representation of the city population in the management of county affairs—a fact

which was conspicuously taken advantage of during the sixties when the legislature and the abortive Constitutional Convention played battledore and shuttlecock between city and county with the control of the city police. In 1870 the makers of the present constitution, rigidly as they applied elsewhere the principle of uniformity and the prohibition of special legislation, made special provision for Cook County. There is prescribed in the constitution a board of 15 members, 10 chosen at large in the city and 5 in the rest of the county—a proportion practically corresponding in 1870 to population, but now giving country voters about 4½ times the representation of city voters; and every annexation to the city, so long as the constitution is unamended, exaggerates the city's under-representation.

At the same time it became more and more apparent that the system of town organization superimposed on the city was a travesty on popular government; and it is only another instance of our characteristic political complacency that not until 1898 were the functions of the towns in assessment and collection of taxes taken from them, not until 1901 were the separate town governments finally abolished, while the separate town election of justices and constables continued until 1906.

The government of Cook County now has at its head a board of commissioners of 15, 10 from the city and 5 from the county, elected at large in the two divisions, all at the same time, in November of every even year. One of the 15 is at the same time elected as president by popular vote. There are also eight executive officers chosen by popular vote for a four-year term in two groups: the state's attorney, coroner, recorder of deeds and surveyor in the presidential year, and the sheriff, treasurer, clerk and superintendent of schools in the intervening even year. There are two tax boards with six-year terms: a board of assessors of 5 members, 2 or 1 of whom are elected every even year, and a board of review of 3 members, one of whom is elected every even year. There are elected also by the voters of the county a county judge and a probate judge, a clerk of the probate court and a clerk of the criminal court every four years between presidential elections, and a superior court clerk and a circuit court clerk in the presidential year, all at the November elections. Every sixth year an appellate court clerk is elected at the same time. A rough estimate indicates that the voter will next fall be asked to pick his county officers from a ballot containing candidates for upward of 80

separate offices, if we count presidential electors, or nearly sixty if we omit them. There will probably be over 400 names on the ballot.

At the same time with the county and general elections the elections of trustees of the Sanitary District are held, 3 being chosen every two years for a six-year term, and one every six years as president. The Sanitary District, a municipal corporation for the construction and management of the Drainage Canal, includes all of the city of Chicago and a strip of territory outside the city, but wholly within the county. The city elections are held separately in the spring; and the city voter has presented to him every fourth year a ballot containing 4 offices only: Mayor, treasurer, clerk, and alderman; every second year, one containing the last three; and in the intervening years he chooses only an alderman.

It is fair to say that there is a much greater chance for intelligent voting in city than in county elections; and the same observation applies with increased force to the direct primaries preceding the elections. The city voter has the issues and personalities of the government of the city corporate presented to him simply and independently; those of the county government not only in an unintelligible. complexity, but mixed with the extraneous forces of state and national politics. This alone would be enough to account for the lower level of county elections; but there is another consideration which should not be overlooked. The city corporate stands in the mind of most men for their local government; it has its picturesque history, its visible physical embodiment, its corporate personality, its stimulus to the pride of its people and its claim upon their loyalty. The county can make no such appeal, and it is a political fact to be reckoned with that however you may urge that the county is an essential part of city government, that the city electorate is almost equivalent to the county electorate, and should assert an equal proprietorship, it is almost impossible to overcome the obsession that the county is an alien thing. There is no more serious consequence of the parcelling out of our local governmental powers and the shattering of responsibility for our municipal housekeeping than just this forfeiture of the sense of identification with government and the force of local patriotism which should be a tremendous asset for American political improvement.

Let us turn now to the main relations which this unwieldy corps of county officers bears to the city population. Let us look first at the fundamental question of finance. Cook County had in 1910 a budget

of about 10½ millions; of this amount about 7¾ were raised by the general property tax, about 93% of which was collected in the city of Chicago. Of the miscellaneous income, principally fees, making up the other 2¼ millions, Chicago probably contributed a somewhat larger proportion. This, however, is not the principal interest of the city in county finance administration. The county is the agent both of the state and of all the local governments within the county in the assessment and collection of the general property tax. The city corporate has nothing whatever to do with the valuation of property; that work is done in the first instance by the county board of assessors, elected by popular vote on general ticket, and reviewed by the county board of review, elected in the same way. Judicial appeals from the assessors and board of review go to the county court. After equalization by the State Board of Equalization, the assessment rolls are turned over to the county clerk. To the county clerk also are certified the state tax rate, the county tax rate, the Sanitary District rate, the city corporate, city bond and tuberculosis sanitarium rates, the school building and educational rates, the South, West and Lincoln Park rates, those for several smaller park districts, and the rates for the various towns and villages and school districts outside of Chicago. It is the duty of the county clerk to apply the appropriate rates to each piece of property on the assessment rolls and extend the resultant total as a single charge. In doing so, however, he is restrained by one of the most remarkable exhibits in the whole museum of administrative curiosities: the renowned Juul law. Stated as simply as its nature permits, this law, recognizing the futility for the protection of property-owners of a limitation upon the taxing power of individual governmental bodies, if these bodies are to be piled one on another, declares that the total taxes of all local bodies upon a single piece of property are to be limited. The county clerk is directed, therefore, to set aside the state tax rate and certain favored local rates, such as the school building rate and a third of the Sanitary District rate; to add all other rates falling on any single piece of property together, and if he finds the total to be over 5% to reduce the total to 5% by reducing every component tax in the same proportion; but in so doing he is not to reduce the city tax (normally 2%) below 1.8%, nor the county tax (nominally .75%) below .60%. The process is a most intricate one; nobody outside of the Tax Extension division of the county clerk's office pretends to know the details of it, and the county clerk reveals nothing of the process. No taxing body in the county

has the data on which to predict what the result will be upon its own income; the necessary consequence, then, is that every authority, expecting a cut, will ask for enough to cover the expected loss; each doing the same, every tax rate certified is, by so much, higher than it would otherwise be; the higher each one is, the higher the total; the higher the total the greater the cut, and the circle is complete. There is in the whole system no place for a rational consideration and balancing of the needs of the various taxing bodies, nor for a scrutiny of their expenditures; no provision whatever for mutual adjustment and control. The function of the county clerk is a purely ministerial one, and its mysterious exercise is accepted in a spirit of fatalism. It is especially worthy of note in this connection that the county clerk, who is ex-officio comptroller, through whom 40 millions of general property taxes are levied, and who is the responsible accounting officer for a government with a budget of its own of more than 10 millions publishes no report whatever of the former function and of the latter only a perfunctory one buried in the files of the "Proceedings of the County Commissioners." It would be hard to find a parallel reticence.

The county not only levies but collects and distributes the taxes. The collection books, prepared by the county clerk, are delivered to the county treasurer, who is ex-officio collector. After collection, the treasurer apportions the yield among the various taxing bodies in proportion to their levy. License taxes, water rates and special assessments are collected directly by the city.

In addition to finance, the county performs three other principal functions for the city: it administers the courts and the machinery of justice; it is the local charity authority; and it supervises elections.

The county functions in connection with justice are not different, except in extent, from those usual with counties. Cook County has its county judge, who has original jurisdiction over tax, assessment and election cases, and appellate jurisdiction over justices of the peace (now existing only outside of Chicago). There is also a probate judge. Cook County constitutes one of the 18 judicial circuits of Illinois, with an augmented number of judges and a special criminal branch. It also has a superior court, of identical jurisdiction, which does not exist in other counties. Cook County is also one of the 4 appellate court districts of the state, and has a specially increased appellate bench. The state's attorney, a county officer, is public prosecutor, and divides with the mayor and the city police, in a somewhat vague manner, responsibility for law enforcement. Three years ago, for

example, when the mayor refused, as he has done ever since 1871, to enforce the Sunday closing law for saloons, the state's attorney was prevailed upon to institute prosecutions; and the present state's attorney has interested himself in the condition of the city police force sufficiently to send to Joliet one of the inspectors. The coroner performs the usual functions, which could better be done by some one else. The sheriff is executive officer for all courts of record in the county, and keeper of the county jail. He has undefined powers as conservator of the peace, within as well as without the city limits. More than once special deputy sheriffs have been sworn in to keep the peace and protect property on city streets. The jury system in all courts of record is administered by jury commissioners appointed by the judges of the various courts jointly. It is appropriate to notice here that the judges of the circuit court have the duty of determining the number of employees to be allowed in the county fee offices; and that the judges of the same court appoint the South Park commissioners. The city has a system of municipal courts, and maintains a house of correction and school for juvenile delinquents.

The county and not the city is the unit of local charity administration. Excepting the Municipal Lodging House and a tuberculosis sanitarium soon to be opened the city maintains no institution for charity. The county, on the other hand, has a department of poor relief, a county hospital, an infirmary (poorhouse), a hospital for insane (soon to be taken over by the state), a tuberculosis hospital, and a juvenile home.

The election machinery of Chicago is in the hands of a board of election commissioners appointed by the county judge, and removable by him. It is the duty of these commissioners to divide the city into election precincts after each presidential election, to appoint election officials, and to supervise the conduct of elections. For this purpose they may command the services of the city police, and the county judge may swear in special deputies to assist in protecting the regularity and purity of elections. It is this power over elections which has made the office of county judge an especially coveted prize; and here at least is a judicial office whose political aspects are far more conspicuous than any others.

In political party organization also, the county and not the city is the unit. The county central committee is the local representative of state and national parties, and upon its executive committee sit the powers that be in the party machines. Although the city vote is

preponderant, the partnership with the county has had a considerable significance in Chicago politics. The vote of Chicago has been evenly enough balanced between the two great parties to make the addition of the strongly Republican county vote an important factor; and the delicate adjustment of Democratic and Republican votes in the various local primaries and elections, and of political prizes in city hall and county building has been a field which has employed and rewarded expert political tradesmen—none perhaps more expert than the present junior senator from Illinois.

There are a few minor functions performed by county officers within the city of which a mere mention will suffice: the recording of real estate transfers and registration of titles; the nominal supervision of the school statistics upon which the distribution of the state school fund is based; and the issuance of a few licences such as hunting licenses and marriage licenses.

Probably no student of Chicago government would contend that the county performs any of these functions better than the city would perform them, or that any of the interests now entrusted to the county are safer there than they would be if administered by officials responsible only to the city electorate. On the other hand the fact of division and duality in itself is one of the conspicuous hindrances to governmental progress in Chicago. We are happily past the day when the theory of governmental paralysis in the interest of public safety, the theory of checks and balances, is the controlling one in political reconstruction. Neither have the demands of any ideally conceived symmetry or uniformity of institutions the force they once had with us. We seem to be emerging in our political philosophy from a dogmatic idealism to a frank empiricism and pragmatism. So far as the Chicago and Cook County situation has any contribution to offer to the general county-city problem, it is merely to declare that sooner or later the county system must yield in such a community to the demands of expediency. The order of the day is simplification, and one important step toward a simplification of our local government, most pressing on the financial side, must be a consolidation of county and city government, either with the present boundaries of Cook County, or preferably by a division of territory and the erection of a new city-county to include in one organization the whole local government of Chicago and its surrounding suburban area.

As a practical matter, our prospect for relief is a rather unpromising one. The government of Cook County is imbedded in the con-

stitution; the constitution forbids the creation of new counties of less than 400 square miles of area, or one whose boundaries run within 16 miles of an existing county seat. The constitution is exceedingly difficult of amendment at best; two amendments, those for the initiative and referendum and for the reform, are fighting for precedence; and most important of all, the apathy or hostility of the town-state vote must be overcome before Chicago can hope for a remedy for its local difficulties.